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March 22, 2024

BY ECF

Honorable Lorna G. Schofield
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Application **GRANTED *nunc pro tunc***. By **March 29, 2024**, the parties shall file a joint letter proposing next steps in this case.

Dated: March 25, 2024
New York, New York

A handwritten signature in black ink, appearing to read "LORNA G. SCHOFIELD".

LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: M.P. and A.P., individually and on behalf of A.P. v. New York City Department of Education, 21-CV-07439 (LGS)

Your Honor:

I am an Assistant Corporation Counsel in the Office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, attorney for Defendant the New York City Department of Education (“DOE”), (hereinafter “Defendant”) in the above-referenced action.

I write to respectfully request an extension of time from March 22, 2024 until March 29, 2024, for the parties to submit their joint letter as directed by the Court. I apologize to the Court for the lateness of this request in light of Your Honor’s Individual Rules and Practices 1(B)(3). This is the first request for such an extension, and Plaintiffs’ consent to this request.

By way of background, this case is, essentially, an appeal of a decision issued by the New York State Education Department’s Office of State Review pursuant to the Individuals with Disabilities in Education Improvement Act, 20 U.S.C. §§ 1400, et seq. The parties litigated this matter through dispositive summary judgment motions, and this Court issued a decision on September 8, 2022 (ECF No. 49). Plaintiff appealed, and on February 26, 2024, the Second Circuit issued a decision vacating this Court’s decision and remanding this case for further proceedings (ECF No. 53). By Order dated March 18, 2024 (ECF No. 56), the Court directed the parties to submit a joint letter proposing next steps in this case.

The reason for the requested extension is because this matter has recently been assigned to me for handling, and more time is required to become familiar with the legal and factual allegations in order to determine next steps. The prior handling attorney is no longer with our office, and the attorney who handled the appeal is currently out of office on annual leave. The enlargement of time would allow me an opportunity to familiarize myself with the case, confer with my client and my office's appellate division to identify and propose the appropriate next steps in accordance with this Court's directive.

Accordingly, Defendant respectfully requests that the Court grant an extension of time until March 29, 2024 to submit the joint letter.

I thank the Court for its time and consideration in this matter.

Respectfully submitted,

/s/
Kevon Z.A. Weekes
Assistant Corporation Counsel

cc: All counsel of record (via ECF)